

FINDING OF NO SIGNIFICANT IMPACT (FONSI)

TENNESSEE VALLEY AUTHORITY

THE PROMENADE AND OAKS PROPOSED DREDGE AND COMMUNITY WATER USE FACILITIES AND NORTHERN GOOSE POND ISLAND RESIDENTIAL DEVELOPMENT, JACKSON COUNTY, ALABAMA

Developers of the Promenade and Oaks Subdivisions propose to construct two community boat dock facilities, boat ramp, and associated dredge and shoreline stabilization. The Promenade and Oaks has requested approval of the facilities under Section 26a of the TVA Act. The proposed community dock facilities also require approval by the U.S. Army Corps of Engineers (USACE) under Section 10 of the Rivers and Harbor Act and Section 404 of the Clean Water Act. TVA has prepared a Supplemental Environmental Assessment (SEA) of the proposed action. The USACE participated in the development of the SEA as a cooperating agency. The SEA is incorporated by reference, and supplements an Environmental Assessment that TVA prepared in 2004 that evaluated a proposed land allocation change and the subsequent residential development of portions of Goose Pond Island.

In addition to the proposed Promenade and Oaks community facilities, the scope of this SEA includes the individual private water use facilities associated with the development of the other subdivisions on the northern half of Goose Pond Island.

The SEA evaluates three alternatives: 1) No Action, under which the permit requests and approvals would be denied or withdrawn; 2) Applicant's Final Proposed Action; and 3) Applicant's Final Proposed Action with modifications and special conditions. The applicant's final proposed action consists of two community dock structures, a boat ramp, and two associated dredges (125 and 569 cubic yards), and 400 feet of rip rap shoreline stabilization. The Oaks community facility would be in Willow Cove opposite Tennessee River Mile (TRM) 380.5 right bank (R), and the community facility to serve the Promenade would be in Tobe Hollow Cove opposite Roseberry Creek Mile 1.1R.

The SEA concludes that impacts to air quality and noise, socioeconomics, terrestrial ecology, floodplains, recreation and visual resources from the proposal would be minor and insignificant. There would be no effect on federally or state-listed endangered and threatened species. The U.S. Fish and Wildlife Service (USFWS) by letter dated September 14, 2006, has concurred with this determination. The Alabama State Historic Preservation Officer (SHPO), by letters dated March 29, 2007 and April 18, 2007, has concurred that seven archeological sites were not eligible for listing on the National Register of Historic Places (NRHP). Two other potentially eligible sites have been avoided by design and conservation easements (dated August 18, 2006 and March 15, 2007) have been executed to protect these cultural sites. In order to prevent impacts to commercial and recreational navigation from the proposed facilities, TVA has established dock length parameters for all lots and facilities at the Promenade and Oaks as well as other northern Goose Pond Island subdivision developments. If facilities comply with these parameters, there would be no significant impacts to commercial and recreational navigation. The SEA also contains special permit conditions to reduce impacts to visual resources.

The Promenade and Oaks proposal was subject of a joint public notice (PN 06-91) issued by the USACE, TVA, and ADEM on August 21, 2006. The PN expired on September 21, 2006. No public comments were received. One agency response to the PN was received from the USFWS on September 14, 2006, stating that there are no known sites of threatened or endangered species or critical habitat in the proposed project site or in the vicinity (within a mile radius) of the project footprint. The USFWS further stated that based on the best information available to them, requirements under Section 7 of the Endangered Species Act are fulfilled. The Alabama SHPO did respond to TVA regarding archeological clearances for seven ineligible sites and two potentially eligible sites (1Ja1044 and 1Ja1075) in the Promenade and Oaks study area. A third eligible site (1Ja1074) is located within the Lake Pointe Subdivision. The SHPO concurs with TVA's finding that the eligible sites would not be adversely affected by the Action Alternative.

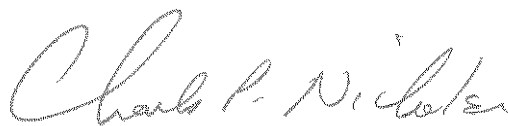
Special Permit Conditions and Mitigation

The SEA lists special permit conditions applicable to the Promenade and Oaks community facilities, to private water use facilities at the Promenade and Oaks development, and to private and community water use facilities at other developments on northern Goose Pond Island. These special permit conditions address navigation and visual resource issues.

The owners of the Promenade and Oaks residential developments have completed mitigation measures to avoid impacts to cultural resources. These residential developments were modified to avoid impacting two archaeological sites and to avoid the cost of Phase II testing to determine their eligibility for listing on the NRHP. The owners of these developments have executed conservation easements for Sites 1Ja1044 and 1Ja1075 to ensure the long-term protection of these sites. As to Site 1Ja1074, mitigation for this site is complete as all pertinent data has been recovered. No additional mitigation measures have been identified as necessary to further reduce environmental impacts.

Conclusion and Findings

TVA has reviewed the impacts from the proposed Promenade and Oaks community facilities, boat ramp and dredges and has determined that issuance of the Section 26a permit for the proposal would not be a major federal action significantly affecting the environment. Accordingly preparation of an environmental impact statement is not required. The FONSI is contingent upon adherence to the special permit conditions described above.



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Date Signed